UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. EDUARDO BARAJAS (1), aka Eddie-Boy, VICTOR RAMOS (2), aka V, ALEJANDRO VELARDE (3), aka Lil' Al, MIGUEL RIVERA MEDINA (4) aka Vampiro, JACOB TALLAECHE (5) aka Dopey, THOMAS ALEJANDRO MANZANO (6), aka Tommy-Boy, DERIC WILLIAMS (7), aka Pelon, JULIO CESAR JIMENEZ (8), aka Foo-Foo, ERNESTO ROMAN LOPEZ (9), aka Ernie, Defendants.	Criminal Case No. 07CR2985-WQH ORDER TO EXTEND EXCLUDABLE DELAY

HAYES, Judge:

The matter before the Court is the period of excludable delay pursuant to Section 3161(h) of the Speedy Trial Act.

On January 23, 2008, this Court granted the joint motion (#131) of the parties to declare this case complex pursuant to 18 U.S.C. 3161(h)(8). The Court ordered that this case shall be deemed complex for purposes of the Speedy Trial Act , 18 U.S.C. §§ 3161, et seq. based on the large volume of the discovery, the large number of defendants in this case and the other related cases, and the complex nature of the prosecutions and possible existence of novel questions of fact or law. Based upon the joint motion of all parties, the Court found that it would be unreasonable to expect defense counsel to be able to effectively prepare for pre-trial motions and trial within the period normally prescribed by the Speedy Trial Act, 18 U.S.C. §§ 3161, et seq., taking into account the exercise of due diligence. The Court concluded that the ends of justice served by a continuance outweigh the best interest of the public and the defendants in a speedy trial.

On February 1, 2008, the Court held a status hearing with all parties and all counsel present. Counsel for Defendants reported that the Government continues to make the extensive discovery materials available to all defense counsel and that discovery is proceeding expeditiously. Counsel for Defendants requested a further status hearing set by the Court with the agreement of all present for May 9, 2008.

On May 9, 2008, the Court held a further status hearing with all parties and all counsel present. All counsel for Defendants once again reported that the Government continues to make the extensive discovery materials available to all defense counsel and that discovery is proceeding expeditiously. All counsel for Defendants reported that Defendants additional time to review discovery materials and requested the Court set a further status hearing. Pursuant to the Defendant's request and with the agreement of the Government, the Court set a further status hearing for August 8, 2008. The Court further set a wire tap motion hearing for October 27, 2008 at 2:00 p.m. with Defendants to file any wiretap motions by October 6, 2008 and the Government to file any responses by October 20, 2008; a substantive motion hearing for December 15, 2008 at 2:00 p.m. with Defendants to file any motions by November 24, 2008 and the Government to file any responses by December 8, 2008; a motion in limine hearing for February 23, 2009 at 2 p.m. with Defendants to file any motions in limine by February 2, 2009 and the Government to file any responses by February 16, 2009; and a jury trial for February 24, 2009 at 9:00 a.m.

IT IS HEREBY ORDERED that the time between May 9, 2008 and October 27, 2008, is deemed excludable time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8), in addition to any time excludable pursuant to 18 U.S.C. § 3161(h)(1)(F), resulting from pre-trial motions already filed.

DATED: May 13, 2008

William Q. Hayes

WILLIAM Q. HAYES
United States District Judge